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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 March 1998, at 8 p.m.

Chairman: Mr. SELEBI (South Africa)

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The meeting was called to order at 8 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)
(E/CN.4/1998/104, 109, 117, 122 and 123)

1. Mr. AKRAM (Pakistan) endorsed the statement by the delegation of the Republic of Korea on behalf of the Asian Group concerning the Commission's methods of work. In his delegation's opinion, there was still much room for improvement in the Commission's work. Convinced that society at large had an extremely important role to play in the promotion and protection of human rights, his delegation had always advocated NGO participation in United Nations, and especially Commission, activities to the greatest extent possible. It was therefore concerned at the measures being taken to reduce NGO participation. Referring to the statement of the Chairman of the fifty-third session, which stressed the importance of cooperation, consultation and consensus, he said that his delegation hoped to see progress in that area at the current session and emphasized the need to study mechanisms and procedures that would help bring about such progress.

2. Mr. TARMIDZI (Indonesia) associated himself with the statement made on behalf of the Asian Group and reiterated his Government's determination to work with the other members of the Commission in a spirit of cooperation, transparency and mutual respect. The rationalization of the work of the Commission, which was necessary to restore mutual trust among the members, should be addressed in a spirit of strengthening international cooperation through dialogue and consultation. In the post-Vienna era and in a world characterized by widely recognized diversity and pluralism, it would be futile to continue to exercise unilateral pressures against targeted States, undermining their pride and dignity. A calm and constructive dialogue, free of the North-South tensions which had characterized previous sessions would produce more positive results in joint efforts to promote and protect human rights throughout the world.

3. There was an urgent need for transparency in the negotiation of the Commission's draft resolutions, which, unfortunately, were often politically motivated. His delegation fully supported any proposal for a decision-making method based on dialogue and consensus. Voting should be used only as a last resort. Serious consideration should be given to developing an appropriate mechanism, based on broad participation and transparency, which would better address the needs of the Commission and strengthen its credibility. The fiftieth anniversary of the Universal Declaration of Human Rights provided an opportunity to work for the reinstatement of international cooperation and dialogue. Although the world was a long way yet from achieving "All Human Rights for All", his delegation hoped that worthwhile progress towards that goal would be made at the fifty-fourth session.

4. Mr. ZAHRAN (Observer for Egypt) stressed the need to shorten the duration of the Commission's sessions to four weeks in the interest of rationalizing its work. Other important goals were dialogue, mutual respect and transparency, which had been lacking in the past and had led to division among the member States. The same standards should be applied to all those who violated the provisions of the international human rights instruments, without discrimination. His delegation, which had been one of the sponsors of

draft resolution E/CN.4/1997/L.2 at the preceding session, was also one of the sponsors of draft resolution E/CN.4/1998/L.2, which aimed at achieving progress in the adoption of resolutions by consensus. It hoped that that draft resolution would be adopted by consensus and that it would have a positive impact on rationalizing the work of the Commission.

5. One of the causes of increased confrontations between countries of the North and those of the South was the imbalance between the concern shown for civil and political rights, which were individual rights, and the attention given to economic, social and cultural rights, which were collective rights. That imbalance should be rectified through the allocation of more time for deliberations under agenda items 5 and 6, in particular the right to development. There should be interdependence and complementarity between development, poverty alleviation and respect for human rights in all their forms. In that regard, he expressed appreciation to the High Commissioner for Human Rights for having on more than one occasion emphasized the importance and priority that should be given to economic, social and cultural rights. It was certain that her intentions would be reflected in concrete measures responding to the concerns of the majority of nations and at least two thirds of humanity.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1998/4 and Corr.1, 7, 8, 17, 18, 19, 20, 112, 116, 124, 125 and 128)

6. Mr. RAMLAWI (Observer for Palestine) said that, after 30 years of Israeli occupation, all international reports, whether by the Special Rapporteur, the Special Committee to Investigate Israeli Practices, Amnesty International or the Committee against Torture, confirmed the fact that the human rights situation in the Palestinian territory was continuing to deteriorate and that the Israeli authorities continued to kill, injure, detain and torture Palestinians, confiscate their lands, establish Israeli settlements following the example of racial segregation, impose collective punishments, demolish houses and commit a multitude of other grave violations of human rights which were considered by the Fourth Geneva Convention of 1949 and Additional Protocol I thereto as constituting war crimes and offences against humanity. The list of massacres committed against Palestinians since 1948 was a long one. According to the Israeli human rights organization "Batsallem", 1,641 Palestinians had been killed by Israeli soldiers or settlers since the beginning of the intifada. Recently, on 10 March 1998, Israeli soldiers had shot dead three Palestinian workers and wounded nine others.

7. The Israeli authorities had continued openly to ignore the numerous resolutions adopted by the Commission condemning those crimes and characterizing them as war crimes, crimes endangering the peace and security of mankind and crimes of genocide against the Palestinian people. By persisting in its systematic violation of the principles of human rights and international law and refusing to abide by the peace agreements it had concluded with the Palestine Liberation Organization, the Government of Israel had made itself responsible for the wars, violence and bloodshed to which the entire region might be subjected.

8. Mr. TARMIDZI (Indonesia) said that, although the question of the violation of human rights in the occupied Arab territories had been given high priority at all of the Commission's sessions since 1971, the human rights situation in those territories continued to deteriorate as a result of the serious violations being committed by the Israeli occupation authorities. The hopes raised by the peace agreements had been disappointed. The peace process was paralysed because Israel had reneged on its commitments and was subjecting the Palestinian people to repressive acts and various provocative measures, in particular by escalating its construction of Israeli settlements on occupied Arab lands. In addition, Israel still occupied the Syrian Golan, in contravention of its commitments and Security Council resolution 497 (1981).

9. The United Nations must ensure the unconditional withdrawal of all Israeli forces from all Palestinian and Arab territories occupied since 1967, in accordance with Security Council resolutions and the principle of "land for peace". The peace process must resume and Israel must implement the agreements it had reached with Palestine in their entirety and with consistency and fairness, and not selectively, sporadically or conditionally. It was also imperative for the United Nations and the international community to expedite vital development assistance to the people in the occupied territories, in order to redress an economy crippled by decades of foreign occupation and embark on the formidable reconstruction task that lay ahead. For its part, the Commission on Human Rights must keep the question of the violation of human rights in the occupied Palestinian and Arab territories on its agenda. As the fiftieth anniversary of the Universal Declaration of Human Rights was commemorated, it was very important for the Commission to send a strong message to the Government of Israel by insisting that Israel should take immediate action to bring an end to the violations.

10. Mr. SAAD (Observer for the League of Arab States) said that the question of the violation of human rights in the occupied Arab territories, including Palestine, was a matter of vital importance which the international community had been considering for many years. The human rights situation in the occupied territories was continuing to deteriorate, as demonstrated by the recent death of three innocent Palestinians killed without cause by Israeli soldiers. Israel's occupation of the territories was itself a violation of the right to self-determination, as indicated by the latest report of the Special Rapporteur on the situation of human rights in the occupied territories. The construction of new settlements, the measures being taken against the Arab population of East Jerusalem and the closure of territories were contributing to the deterioration in the situation. Palestinian prisoners' conditions of detention had been further aggravated as a result of the administrative guidelines endorsed by Israel's High Court of Justice, permitting the use of violence against detainees during interrogations in violation of the provisions of the Convention against Torture. The standstill in the peace process and the failure to respect the agreements concluded did not afford much hope for an improvement in the situation. The League of Arab States thanked the Special Rapporteur for his report and emphasized the need for the Special Rapporteur to respect the mandate which had been entrusted to him by the Commission.

11. The CHAIRMAN said that the speaker had used up his time and invited the next speaker to take the floor.

12. Mr. TAHER (Observer for the Syrian Arab Republic) said that the question of the violation of human rights in the occupied Arab territories, including Palestine, should remain on the Commission's agenda for as long as Israel continued its occupation. The situation in the territories revealed a consistent pattern of gross, flagrant or mass violations of human rights designed to cut off an entire people from its origins. They were based on a doctrine of racial superiority and religious intolerance. As the Special Committee responsible for investigating those violations had indicated in its report, the human rights situation in the occupied territories had worsened during the period under review, with the most disturbing aspect of the occupation being the settlement policy of the Government of Israel.

13. In the occupied Syrian Golan, Israel continued to seize lands and resources, remove qualified teachers and alter the school curricula. Syrian diplomas were not recognized, there was a high level of unemployment and access to medical care was difficult. The Syrians in the Golan had recently celebrated the sixteenth anniversary of the general strike organized against the occupation authorities in February 1982. The Syrian Golan would remain Syrian, and the international community must force Israel to respect the provisions of the Fourth Geneva Convention of 1949, the Charter of the United Nations and the principles of international law.

14. Mr. ZAHRAN (Observer for Egypt) said that, as the international community celebrated the fiftieth anniversary of the Universal Declaration of Human Rights, it had to be acknowledged that human rights violations continued in several parts of the world. That was particularly true of the territories occupied by Israel since 1967, where, as indicated in the reports of the Special Committee and the Special Rapporteur, flagrant violations continued. The latest of the resolutions adopted by the General Assembly in that regard (resolution ES-10/4 dated 13 November 1997) reiterated its recommendation that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War should convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory. Failure to apply that provision would seriously jeopardize the credibility of the United Nations.

15. Egypt, which had signed the first peace treaty with Israel in 1979, continued to work towards the concretization of a comprehensive, just and lasting peace in the Middle East, based on the principle "land for peace" and on Security Council resolutions 242 (1967) and 338 (1973). Israel, however, stubbornly continued its settlement policy, in violation of its commitments and of the Palestinians' right to self-determination, drawing the region into a vicious circle of insecurity and violence. His delegation hoped that the fiftieth anniversary of the Universal Declaration of Human Rights would encourage all members of the international community and especially the countries concerned, among them Israel, to work together seriously and in a speedy manner to end the human rights violations in the Palestinian and Arab occupied territories. There was no other approach to achieve that goal than for Israel to end its occupation and fulfil its obligations under international law, the Oslo, Washington and Cairo agreements and the resolutions of the United Nations.

16. Mr. LITTMAN (Association for World Education) said that he would leave the easy task of criticizing Israel to others, but wished to express growing indignation at the lack of responsibility of those who never missed an opportunity to prevent progress on the narrow road to reconciliation. At the preceding session his delegation had strongly denounced a grotesque provocation by the observer for Palestine, who had stated the blatant falsehood that the Israeli authorities had infected by injection 300 Palestinian children with HIV during the years of the intifada. The observer for Palestine had ultimately retracted his false allegations in a letter dated 15 March 1998 addressed to the High Commissioner for Human Rights, but was now accusing Israel of testing dangerous drugs on Palestinians detained in Israeli jails, an allegation that had been repeated by the League of Arab States. For its part, the Organization of the Islamic Conference joined in the slander by referring to Israel as "a racist State, built on the hatred of all non-Jewish people". How bleak was the spirit of the peace process when such statements could be made!

17. If the Commission on Human Rights wished to work towards reconciliation in the interest of peace and mutual security, it must denounce all States and movements based on constitutions which encouraged racial, ethnic or religious hatred and genocide. The articles of the Palestinian National Charter calling for the destruction of Israel must be amended in conformity with the Oslo Accords. That would reassure the Government and people of Israel that genuine peace was on the horizon and would make further excuses and procrastination impossible. Once that psychological barrier had been removed, Mr. Arafat should use his influence with Hamas to change the movement's Charter, which, aside from its use of a blatant forgery, the "Protocols of the Elders of Zion", gave an eschatological justification for the crimes against humanity which the members of the Hamas movement were committing against Jews, who were targeted as a group.

18. His organization again drew the attention of the United Nations to its direct responsibility for condemning such public incitement to genocide and called on Israel and the Palestinian leadership to seize the unique moment in history being offered to them to "sheathe their swords" and work for the reconciliation of their peoples.

19. Mr. LEVINE (Amnesty International) said that Israel was legalizing or attempting to legalize practices which violated even the most fundamental human rights. Firstly, torture, already effectively legalized, was likely to be further endorsed by the General Security Service Law currently before the Knesset, which would offer impunity to General Security Service officers who resorted to physical pressure when interrogating detainees. Secondly, the compensation bill would deny redress to victims of human rights violations. If adopted, the bill, which had already passed its first reading, would deprive human rights victims of virtually any right to compensation and would apply retroactively. Thirdly, the use of political assassination was officially sanctioned. The commission of inquiry set up by the Israeli Government to investigate the attempted execution of Khaled Mesh'al in Amman in September 1997 made no mention of the illegality of the attack, yet the extrajudicial execution of government opponents, whatever their activities or beliefs, contravened international human rights standards.

20. Finally, the holding of hostages was endorsed by the Supreme Court of Israel. which, in a ruling made in November 1997, had stated that it was legitimate to hold the 21 Lebanese being detained without trial or after expiry of their sentences as "bargaining chips" to be exchanged in pursuit of a vital interest of State. The Israeli Government had acknowledged that those detainees posed no threat to State security. Their continued detention therefore had no basis in international law. In addition, more than 150 other Lebanese nationals had been detained without legal status for up to 12 years in Khiam Detention Centre and denied access to ICRC and family members. Amnesty International condemned unequivocally the killing of more than 100 civilians by armed groups since 1994. Nevertheless, human rights abuses by others did not entitle any State to violate the rule of law by legalizing what should never be legalized. Amnesty International called on the Government of Israel to act in accordance with the human rights instruments it had ratified.

21. Mr. SEYMOUR (International Save the Children Alliance) said that it had become apparent that efforts by his organization to assist Palestinian children, who represented over half the population of the occupied territories, would be of little value if it failed to address some of the root causes of their current situation. It was, in particular, essential to alleviate the multitude of extremely damaging effects of the closures of the territories on Palestinian children. The closures led to insufficient nutrition of the children: meat and egg consumption had fallen, with an associated increase in the number of cases of rickets. Access to medical care remained difficult, although the health-care situation of Palestinian children had improved slightly in the previous year: in East Jerusalem, children were reported to have died after being refused medical care on the ground that they did not have residency permits. Access by students and teachers to educational institutions had been disrupted. More and more Palestinian children were working to contribute to their families' survival. Demolitions of houses had led to severe overcrowding and conditions that were not appropriate for a child's development.

22. The Palestinian children suffering the consequences of the closures were under the de facto jurisdiction of Israel. As a result, the Government of Israel had a clear legal and moral responsibility to take measures to protect them. Everyone concerned with peace in the Middle East and the promotion of human rights also had the responsibility to concentrate specifically on the protection of the Palestinian child. The realization often came too late that the first victims of conflicts were children. The mistakes of the past must not be repeated. Surely a child was no threat to national security. Whatever the arguments of adults over territory and history, exacting a price from children could never be justified. Save the Children called on the Government of Israel, the Commission on Human Rights and all those with the potential to influence the situation to ensure respect for the rights of Palestinian children as a matter of urgency.

23. Mr. VITTORI (Pax Christi International) said that, despite the speeches and solemn declarations, denunciations and severest condemnations, the situation in the Middle East did not change. The living conditions of the Palestinian population were even worse than they had been during the intifada. The peace process was at a standstill, with each of the parties

blaming the other, while extremists on both sides became more influential and stood a chance of gaining control of the situation. The Palestinian Authority was accused of being both lax and too harsh with its extremists, but it was also true that the current Government of Israel was openly encouraging its own extremists.

24. The United States, the unconditional defender of Israel, could not be an effective mediator. The United Nations must recover its mediator's role and its Member States must assume their responsibilities. The Organization had recently shown in Iraq what it could accomplish for peace, even if the threat of military intervention had probably been a contributing factor. Although the threat of recourse to armed force in the Israeli-Palestinian conflict was not possible, a broad spectrum of the peoples concerned were prepared to place their hopes in the United Nations and help strengthen its peacekeeping mission. Hundreds of thousands of Israelis rejected fanaticism and felt that they could not allow their Government to become an oppressor without violating their history; they sincerely desired peace with justice for the Palestinians and were courageously upholding the principle of "land for peace". If the Governments of the Member States of the United Nations followed their example, peace might still be saved.

25. Mr. SHAQOURA (International Federation of Human Rights) said that, as the Israeli occupation continued in all the forms that occupation brought, the "window of opportunity" opened by the peace process seemed to be closing as every new day began, leading to a great feeling of frustration among the Palestinian people. The closures of the territories (in 1997 alone, the Israelis had imposed a total closure on the West Bank and Gaza Strip for more than 50 days) not only prevented the Palestinians from getting on with their daily lives, but also had extremely destructive consequences for their society and their economy.

26. The number of Palestinian detainees in Israeli prisons, which was more than 4,000, continued to increase as Israelis arrested Palestinians even in areas outside their control, in a flagrant breach of the Fourth Geneva Convention of 1949. Israel was the only nation in the world to have legalized the barbaric use of torture, which had caused the death of at least one of the four Palestinians who had died in custody in 1997. In addition, Israel had ignored one of the most basic requirements of the peace process and was presiding over an unprecedented expansion of its settlements: the occupied Palestinian territory was currently home to over 150 settlements, with the already overpopulated Gaza Strip containing 18 alone. How much more Palestinian land would the international community allow to be confiscated before the final status negotiations even began?

27. The killing of 3 innocent Palestinian workers and the wounding of 27 others by Israeli troops on 10 March must be condemned in the strongest possible terms. FIDH appealed to the international community to support its call for a full, independent and open investigation into those unlawful killings. Nothing less would be acceptable in any other modern democracy and nothing less would ensure that those responsible were brought to justice.

The meeting rose at 9.30 p.m.